

REMARKS

The Applicant thanks the Examiner for indicating that claims 10 and 11 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, claim 10 is appropriately revised, to be an independent claim, and this amended independent claim is now believed to be allowable. As claim 11 depends from this new independent claim, dependent claim 11 is believed to be allowable as well.

Claims 8-14 are objected to and rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The objected to and rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised objections and the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 8, 9, 12 and 13 are rejected, under 35 U.S.C. § 102(b), as being unpatentable over DE 199 27 080 A1. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

In addition to the following remarks, the Applicant amended independent claim 9 to more clearly recite the features of allowable claims 10 and 11, which the Applicant believes are the basis for allowance of those claims.

The following remarks are based upon United States Patent No. 6,658,955 to Führer et al. '955 which is the United States equivalent to the cited reference of DE 199 27 080A1. The reference of Führer '955 concerns a transmission with bearings for a transmission gear grouping. The transmission 2 has a synchronization apparatus' 12 and 22. By shifting the synchronization apparatus' 12 and 22, different gears engage with the input shaft 4. For example, synchronizer apparatus 12 can be shifted so that input shaft 4 is non-rotationally affixed to gear 24.

As can be seen in Fig. 1 of Führer '955, the synchronization apparatus' 12 and 22 only engages with the shown gears 10 and 24 via the associated components thereof which are not labeled. Neither one of the synchronization apparatus' 12 and 22 is able to engage, in either position of the synchronization apparatus' 12 and 22, with the transmission housing 8. This arrangement is contrary to the presently claimed invention which, in one engaged position of the control devices 6, 7, is able to directly engage with a component rigidly connected with the transmission housing. When the control device 6 or 7 is engaged, the control device prevents rotation of a desired component(s) of the associated planetary gear sets.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims of this application now recite the features of "An automated multiple-gear transmission. . .at least one of the ratio conversion devices (8, 9) is at least partially located within the transmission housing (24) in such a way that radial and tangential forces affecting at least one of the ratio conversion devices (8, 9), when the at least one ratio conversion device is engaged, are directly transmitted to the transmission housing (24) via one engaged position of the shifting element (6 or 7)." New claim 16 further recites the features of the radial and tangential forces ". . .are directly transmitted a synchronizing component that is rigidly connected with the transmission housing (24) via one engaged position of the shifting element (6 or 7)." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Lastly, claim 14 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over DE 199 27 080A1 in view of Hall III '051. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Applicant acknowledges that the additional references of Hall III '051 may arguably relate to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of DE 199 27 080A1 with this additional art of Hall III '051 still fails to in any way teach, suggest or disclose the

above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

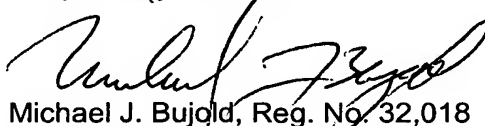
If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the DE 199 27 080 A1 and/or Hall III '051 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com